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www.pabstpatent.com**TELEFAX****Date:** October 5, 2005**Total pages:** 29  
(including cover sheet)**To:** US PTO**Telephone:** **Telefax:** 571-273-8300**From:** Patrea Pabst**Telephone:** 404-879-2151 **Telefax:** 404-879-2160**Our Docket No.** ICI 102**Client/Matter No.** 078230/27**Your Docket No.****Please call (404) 879-2150 if you did not receive all of the pages, or if they are illegible.**

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**MESSAGE:****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****Applicant:** Stefan Dietmar Anker and Andrew Justin Stewart Coats**Serial No.:** 09/807,558**Art Unit:** 1618**Filed:** July 17, 2001**Examiner:** Fozia M. Hamud**For:** *METHODS OF TREATMENT***Attached Items:**

Transmittal Form PTO/SB/21;

Fee Transmittal PTO/SB/17;

Declaration Under 37 CFR §1.132

2 Tables

1 Reference

Summary of Study

(45060910.1)

OCT 05 2005


PTO/SB/21 (09-04)

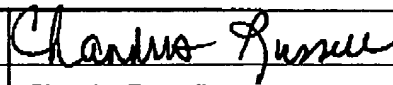
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/807,558
	Filing Date	July 17, 2001
	First Named Inventor	Stefan Dietmar Anker
	Art Unit	1647
	Examiner Name	Fozia M. Hamud
Total Number of Pages In This Submission	Attorney Docket Number	ICI 102

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Declaration Under 37 C.F.R. 1.132 Two (2) tables One (1) Reference Summary of Study
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Pabst Patent Group LLP		
Signature			
Printed name	Patrea L. Pabst		
Date	October 5, 2005	Reg. No.	31,284

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Chandra Russell	Date	October 5, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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ICI 102 078230/27

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PTO/SB/17 (12-04)

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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4918). <b>FEE TRANSMITTAL</b> <b>For FY 2005</b>		<b>Complete if Known</b>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	09/807,558
		Filing Date	July 17, 2001
		First Named Inventor	Stefan Dietmar Anker
		Examiner Name	Fozia M. Hamud
		Art Unit	1647
TOTAL AMOUNT OF PAYMENT		(\$ ) 0.00	
		Attorney Docket No.	ICI 102

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 50-3129 Deposit Account Name: Pabst Patent Group LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

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## FEE CALCULATION

## 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

## 2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims: 30 - 47 or HP = 0 x Fee (\$): 0.00 Fee Paid (\$): 0.00

HP = highest number of total claims paid for, if greater than 20

Indep. Claims: 1 - 10 or HP = 0 x Fee (\$): 0.00 Fee Paid (\$): 0.00

HP = highest number of independent claims paid for, if greater than 3

## 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

## 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other:

SUBMITTED BY		Registration No.	Telephone
Signature		(Attorney/Agent) 31,284	(404) 879-2151
Name (Print/Type)	Patrea L. Pabst	Date	October 5, 2005

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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NO. 5659 P. 4

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**AMENDMENT UNDER 37 C.F.R. 1.116  
EXPEDITED PROSECUTION  
ART UNIT 1647**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Stefan Dietmar Anker and Andrew Justin Stewart Coats

Serial No.: 09/807,558

Art Unit: 1647

Filed: July 17, 2001

Examiner: Fozia M. Hamud

For: *METHODS OF TREATMENT*

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL OF DECLARATION UNDER 37 C.F.R. § 1.132**

Sir:

Further to the Amendment and Response filed September 16, 2005, enclosed is the signed Declaration Under 37 C.F.R. § 1.132 referenced on page 17 of the Amendment and Response, two (2) tables, one (1) reference, and summary of the study from Mahe, I., "The ELITE-2 study" *Presse Med.* Sep. 9; 29(25):1407 (2000). As noted in the Amendment and Response the Declaration provides additional examples that demonstrate enablement of the method as defined by the claims and described in the application as filed.

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078230/00027

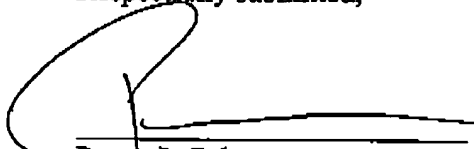
U.S.S.N. 09/807,558

Filed: July 17, 2001

**AMENDMENT AND RESPONSE TO OFFICE ACTION**

It is believed that no fee is required with this submission. However, should a fee be required, the Commissioner is hereby authorized to charge the fee to Deposit Account No. 50-3129.

Respectfully submitted,

  
Patrea L. Pabst  
Reg. No. 31,284

Date: October 5, 2005

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